

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG, ABBOTT)	
BIORESEARCH CENTER, INC., ABBOTT)	C.A. No. 4:09-CV-11340 (FDS)
BIOTECHNOLOGY, LTD.)	
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
CENTOCOR ORTHO BIOTECH, INC.,)	
CENTOCOR BIOLOGICS, LLC.)	
)	
Defendant.)	
)	

**UNOPPOSED MOTION FOR LEAVE TO FILE ABBOTT'S REBUTTAL
CLAIM CONSTRUCTION BRIEF REGARDING THE TERM "HUMAN ANTIBODY"**

Abbott hereby moves this Court for leave to file a rebuttal to Centocor's Supplemental Claim Construction Brief ("Centocor's Supplemental Brief") filed on March 28, 2011.¹ Centocor does not oppose this motion.

The Court's briefing schedule on the term "human antibody" does not provide for the filing of rebuttal briefs. However, as discussed in Abbott's Rebuttal Claim Construction Brief Regarding the Term "Human Antibody," filed herewith as Exhibit A, Centocor's Supplemental Brief makes arguments, for the first time, in response to the initial claim construction arguments Abbott made in its Opposition to Centocor's Motion to Amend Claim Construction Pleadings, filed on March 7, 2011.² Abbott believes this rebuttal brief is necessary to address these new arguments. A supporting declaration of Robert J. Gunther, Jr. is filed herewith as Exhibit B, along with accompanying Exhibits 22 to 25.

¹ A redacted version of Centocor's Supplemental Brief was filed on March 28, 2011, at Docket Entry No. 144; a full version of this Brief was filed under seal on March 29, 2011, at Docket Entry No. 146.

² A redacted version of Abbott's Opposition Memorandum was filed on March 7, 2011, at Docket Entry No. 132; a full version of this Memorandum was filed under seal on March 9, 2011, at Docket Entry No. 134.

For the foregoing reasons, Abbott respectfully requests that this motion be granted.

Respectfully Submitted,

Dated: April 12, 2011

/s/ Robert J. Gunther, Jr.

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify pursuant to Local Rule 7.1(A)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein and that opposing counsel does not oppose this motion.

/s/ Robert J. Gunther, Jr.

CERTIFICATE OF SERVICE

I certify that, on April 12, 2011, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Robert J. Gunther, Jr.